

DAVID I. SCHOEN  
ATTORNEY AT LAW  
2800 ZELDA ROAD, SUITE 100-B  
MONTGOMERY, ALABAMA 36108

MAY 27 2008

ADMITTED IN  
ALABAMA  
MARYLAND  
NEW YORK  
DISTRICT OF COLUMBIA

May 27, 2008

TELEPHONE: (334) 395-6610  
FACSIMILE: (334) 272-0529  
E-Mail: dschoen@dschoen.org

Judge Michael H. Dolinger  
United States Magistrate Judge  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street, Room 1670  
New York, New York 10007

USDC SONY  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 6/2/08

\* Via Fax: 212-805-7928 \*

Re: *Fendi et al. v. Ashley Reed Trading, Inc. et al.*; 06 Civ. 0243 (JES)(MHD)

Dear Judge Dolinger:

As the Court is aware, Mr. Ressler's May 7, 2008 request for a conference preliminary to his filing a motion for a protective order or stay postponing his deposition until the completion of his pending criminal case (which the Court treated as a substantive application for the same) was denied by Endorsed Order dated May 14, 2008. Similarly, Mr. Ressler's May 15, 2008 request for a stay of that Endorsed Order to enable him to have a meaningful opportunity to seek reconsideration or to have his Objections considered by the District Court was denied by Endorsed Order dated May 16, 2008. The deposition is now scheduled to go forward over Mr. Ressler's objection on May 29, 2008, leaving him no option but to invoke his rights under the Fifth Amendment to the United States Constitution.

We are preparing our Objections to these Endorsed Orders for filing today; however, since a primary focus of the Court's decisions appears to have been on uncertainty about whether the criminal case will go to trial soon, I thought that it would be appropriate for me to provide the Court with a copy of an Order issued in the criminal case on May 22, 2008, declaring that the case now is "Certified Ready for Trial." I will, of course, formally file a copy as an exhibit to the Objections so that the record will be preserved in as complete a state as possible. However, I thought that as a matter of courtesy and to provide the Court with support for my earlier representations that the Georgia court had indicated its intentions to bring the case to trial in the very near future, I would provide this Court with a copy of the Order as well.

Respectfully,

David I. Schoen (DS-0860)  
Co-Counsel for Defendant James Ressler

Attachment (1 page Order)  
cc: All counsel by email

ENDORSED ORDER

As counsel is well aware, defendant has had a more than ample opportunity to brief his application for a protective order (including a lengthy letter application and request for reconsideration). The protective order was denied and remains denied.